



General Assembly

Substitute Bill No. 6296

January Session, 2009

* HB06296GAE 031709 *

**AN ACT CONCERNING CERTAIN CONFLICT OF INTEREST
PROVISIONS FOR PUBLIC OFFICIALS AND STATE EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 1-84 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (c) No public official or state employee shall wilfully and knowingly
5 disclose, for financial gain, to any other person, confidential
6 information acquired by him in the course of and by reason of his
7 official duties or employment and no public official or state employee
8 shall use his public office or position or any confidential information
9 received through his holding such public office or position to obtain
10 financial gain for himself, his spouse, child, child's spouse, parent,
11 brother or sister, other employer or a business with which he is
12 associated.

13 Sec. 2. Subsection (f) of section 1-84 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2009*):

16 (f) No person shall offer or give to a public official or state employee
17 or candidate for public office or his spouse, his parent, brother, sister
18 or child or spouse of such child, other employer or a business with

19 which he is associated, anything of value, including, but not limited to,
20 a gift, loan, political contribution, reward or promise of future
21 employment based on any understanding that the vote, official action
22 or judgment of the public official, state employee or candidate for
23 public office would be or had been influenced thereby.

24 Sec. 3. Section 1-85 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2009*):

26 A public official, including an elected state official, or state
27 employee has an interest which is in substantial conflict with the
28 proper discharge of his duties or employment in the public interest
29 and of his responsibilities as prescribed in the laws of this state, if he
30 has reason to believe or expect that he, his spouse, a dependent child,
31 his other employer or a business with which he is associated will
32 derive a direct monetary gain or suffer a direct monetary loss, as the
33 case may be, by reason of his official activity. A public official,
34 including an elected state official, or state employee does not have an
35 interest which is in substantial conflict with the proper discharge of his
36 duties in the public interest and of his responsibilities as prescribed by
37 the laws of this state, if any benefit or detriment accrues to him, his
38 spouse, a dependent child, his other employer or a business with
39 which he, his spouse or such dependent child is associated as a
40 member of a profession, occupation or group to no greater extent than
41 any other member of such profession, occupation or group. A public
42 official, including an elected state official or state employee who has a
43 substantial conflict may not take official action on the matter.

44 Sec. 4. Section 1-86 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2009*):

46 (a) Any public official or state employee, other than an elected state
47 official, who, in the discharge of such official's or employee's official
48 duties, would be required to take an action that would affect a
49 financial interest of such official or employee, such official's or
50 employee's spouse, parent, brother, sister, child or the spouse of a

51 child, other employer or a business with which such official or
52 employee is associated, other than an interest of a de minimis nature,
53 an interest that is not distinct from that of a substantial segment of the
54 general public or an interest in substantial conflict with the
55 performance of official duties as defined in section 1-85, as amended
56 by this act, has a potential conflict of interest. Under such
57 circumstances, such official or employee shall, if such official or
58 employee is a member of a state regulatory agency, either excuse
59 himself or herself from the matter or prepare a written statement
60 signed under penalty of false statement describing the matter
61 requiring action and the nature of the potential conflict and explaining
62 why despite the potential conflict, such official or employee is able to
63 vote and otherwise participate fairly, objectively and in the public
64 interest. Such public official or state employee shall deliver a copy of
65 the statement to the Office of State Ethics and enter a copy of the
66 statement in the journal or minutes of the agency. If such official or
67 employee is not a member of a state regulatory agency, such official or
68 employee shall, in the case of either a substantial or potential conflict,
69 prepare a written statement signed under penalty of false statement
70 describing the matter requiring action and the nature of the conflict
71 and deliver a copy of the statement to such official's or employee's
72 immediate superior, if any, who shall assign the matter to another
73 employee, or if such official or employee has no immediate superior,
74 such official or employee shall take such steps as the Office of State
75 Ethics shall prescribe or advise.

76 (b) No elected state official shall be affected by subsection (a) of this
77 section.

78 (c) No person required to register with the Office of State Ethics
79 under section 1-94 shall accept employment with the General
80 Assembly or with any member of the General Assembly in connection
81 with legislative action, as defined in section 1-91. No member of the
82 General Assembly shall be a lobbyist.

This act shall take effect as follows and shall amend the following sections:

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|-----------|------------------------|---------|
| Section 1 | <i>October 1, 2009</i> | 1-84(c) |
| Sec. 2 | <i>October 1, 2009</i> | 1-84(f) |
| Sec. 3 | <i>October 1, 2009</i> | 1-85 |
| Sec. 4 | <i>October 1, 2009</i> | 1-86 |

Statement of Legislative Commissioners:

In section 3, the word "his" was added for purposes of consistency.

GAE *Joint Favorable Subst.-LCO*